

Exhibit 9

Contains Confidential Portions

Page 1

1 JESSE ANGELO
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
3 -----X
SANDRA GUZMAN,
4 Plaintiff,
5 -against- 09CIV9323 (BSJ) (RLE)
6 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
THE NEW YORK POST, and COL ALLAN, in his
7 official and individual capacities,
8

Defendants.
9 -----X
AUSTIN FENNER and IKIMULISA LIVINGSTON,
10
11 Plaintiffs,
12 -against- 09CIV9832 (BSJ) (RLE)
13 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
THE NEW YORK POST and DAN GREENFIELD and
14 MICHELLE GOTTHELF,
15 Defendants.

-----X

16
17
18 VIDEOTAPED DEPOSITION OF JESSE ANGELO
19 New York, New York
20 Wednesday, April 25, 2012
21

22 REPORTED BY: BARBARA R. ZELTMAN
(BOBBIE)
23 Professional Stenographic Reporter
24

25 Job Number: 48821

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 14</p> <p>1 JESSE ANGELO</p> <p>2 Lincoln was going to call up more troops for</p> <p>3 the Civil War. In fact, he wasn't. It was</p> <p>4 used by gold speculators to manipulate the</p> <p>5 gold market.</p> <p>6 Q So why did President Lincoln shut</p> <p>7 down the newspapers?</p> <p>8 MR. LERNER: Objection.</p> <p>9 A These two newspapers printed the</p> <p>10 fake dispatch, and it was actually the</p> <p>11 Secretary of War Stanton who ordered that</p> <p>12 the newspapers be shuttered.</p> <p>13 Q Where were the newspapers located?</p> <p>14 A In New York City.</p> <p>15 Q Were these the only newspapers that</p> <p>16 were closed down because of this bogus</p> <p>17 dispatch?</p> <p>18 MR. LERNER: Objection.</p> <p>19 A Yes.</p> <p>20 Q Would you consider yourself having</p> <p>21 written about the Civil War period to be</p> <p>22 knowledgeable about that period of American</p> <p>23 history?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A I have some knowledge of it.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 15</p> <p>1 JESSE ANGELO</p> <p>2 Q Okay.</p> <p>3 Would you say it's more than the</p> <p>4 average person?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A I can't say.</p> <p>7 Q Would it be fair to say that you</p> <p>8 are familiar with Civil War history period</p> <p>9 in the United States?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A I have some familiarity with it.</p> <p>12 Q Well, I mean, you wrote your senior</p> <p>13 thesis about it, right?</p> <p>14 A Yes.</p> <p>15 Q Is the fact that these two</p> <p>16 newspapers were closed down by Secretary</p> <p>17 Stanton common knowledge, say, in the</p> <p>18 newsroom?</p> <p>19 MR. LERNER: Objection.</p> <p>20 A I'm sorry. In what newsroom are</p> <p>21 you referring to?</p> <p>22 Q In the newsroom at The New York</p> <p>23 Post.</p> <p>24 MR. LERNER: Do you understand</p> <p>25 the question?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 16</p> <p>1 JESSE ANGELO</p> <p>2 A No, I don't. I would like to hear</p> <p>3 the entire question, please.</p> <p>4 Q Would you say that it's common</p> <p>5 knowledge in the newsroom at The New York</p> <p>6 Post that Secretary Stanton closed down two</p> <p>7 newspapers in New York for publishing a</p> <p>8 bogus proclamation about the war?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A No.</p> <p>11 Q So wouldn't it be fair to say that</p> <p>12 you have specialized knowledge about the</p> <p>13 Civil War period?</p> <p>14 MR. LERNER: Objection.</p> <p>15 Q That most people in the newsroom</p> <p>16 don't have.</p> <p>17 A I can't speak to the knowledge or</p> <p>18 reading of other people in the newsroom</p> <p>19 regarding the Civil War period. I have no</p> <p>20 idea.</p> <p>21 Q Are you familiar with depictions of</p> <p>22 blacks in the Civil War period as subhuman?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A Yes.</p> <p>25 Q What do you know about those</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 17</p> <p>1 JESSE ANGELO</p> <p>2 depictions of blacks in the Civil War period</p> <p>3 as subhuman?</p> <p>4 A Can you be more specific.</p> <p>5 Q Tell me what you know about it.</p> <p>6 What kinds of depictions are you</p> <p>7 familiar with in the Civil War period</p> <p>8 depicting blacks as subhuman?</p> <p>9 MR. LERNER: Object to form.</p> <p>10 A Again, there have been many</p> <p>11 depictions of blacks throughout American</p> <p>12 history in many different ways, so I don't</p> <p>13 know what you are referring to.</p> <p>14 Q There are many depictions of blacks</p> <p>15 in American history as subhuman?</p> <p>16 A I can't speak to the entirety of</p> <p>17 how African-Americans have been depicted in</p> <p>18 American history.</p> <p>19 Q Well, I'm just trying to follow up.</p> <p>20 You said that the demeaning</p> <p>21 depictions of blacks in many different ways.</p> <p>22 Is one of the ways that blacks have</p> <p>23 been depicted historically as subhuman?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A Unfortunately, yes.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 18</p> <p>1 JESSE ANGELO</p> <p>2 Q Are you familiar with instances of</p> <p>3 blacks being depicted subhuman,</p> <p>4 specifically, as apes or monkeys?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A Yes.</p> <p>7 Q Do you recall any specific</p> <p>8 historical cartoons where blacks were</p> <p>9 depicted as apes or monkeys?</p> <p>10 A No.</p> <p>11 Q But you are aware that this has</p> <p>12 historically been something that's occurred,</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q And is your knowledge of this</p> <p>16 something you recently acquired or does it</p> <p>17 go back to your study of history?</p> <p>18 MR. LERNER: Object to form.</p> <p>19 A I can't say when I acquired this</p> <p>20 knowledge.</p> <p>21 It's something that I'm aware of.</p> <p>22 Q Did you know about the depiction of</p> <p>23 blacks as subhuman animals such as apes and</p> <p>24 monkeys in 2008?</p> <p>25 MR. LERNER: Objection.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 19</p> <p>1 JESSE ANGELO</p> <p>2 A Again, I'm aware of that historical</p> <p>3 fact.</p> <p>4 Q But you can't say when you became</p> <p>5 aware of it?</p> <p>6 A Correct.</p> <p>7 Q Were you aware of this historical</p> <p>8 fact when a cartoon was published in I</p> <p>9 believe -- actually let me check the date --</p> <p>10 I believe it was February 2009.</p> <p>11 MR. LERNER: Wait for the</p> <p>12 question to be completed.</p> <p>13 Q Were you aware of this historical</p> <p>14 fact in February of 2009?</p> <p>15 A Yes.</p> <p>16 Q You were. Okay.</p> <p>17 Now, you also studied literature at</p> <p>18 Harvard?</p> <p>19 A Yes.</p> <p>20 Q But you said that was one program,</p> <p>21 literature and history?</p> <p>22 A Correct.</p> <p>23 Q Did you take specific courses on</p> <p>24 literature?</p> <p>25 A Yes.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 20</p> <p>1 JESSE ANGELO</p> <p>2 Q Do you know what deconstructionism</p> <p>3 is?</p> <p>4 A Yes.</p> <p>5 Q What is deconstructionism?</p> <p>6 A It's a very long time since I</p> <p>7 thought about that term. I don't really</p> <p>8 want to give a definition that would be</p> <p>9 inaccurate.</p> <p>10 Q Is deconstructionism basically the</p> <p>11 idea that all meaning is inherently</p> <p>12 subjective?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A I don't wish to agree or disagree</p> <p>15 with your characterization of a very broad</p> <p>16 movement in sort of the intellectual</p> <p>17 history. I don't feel qualified to do that.</p> <p>18 Q What's your understanding of</p> <p>19 deconstructionism?</p> <p>20 MR. LERNER: Objection. Asked</p> <p>21 and answered.</p> <p>22 A My understanding of</p> <p>23 deconstructionism is that texts can be</p> <p>24 broken down to their constituent parts to</p> <p>25 extract meaning from them.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 21</p> <p>1 JESSE ANGELO</p> <p>2 Q Had Michelle Gottself ever told you</p> <p>3 that she believes that all meaning is</p> <p>4 subjective?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A Not that I recall.</p> <p>7 Q Do you recall having any</p> <p>8 conversation with Michelle Gottself about</p> <p>9 the meaning of texts?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A Not that I recall.</p> <p>12 Q Do you believe that the meaning of</p> <p>13 texts is inherently subjective, or do you</p> <p>14 believe there's objective meaning to texts?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A Can you repeat question.</p> <p>17 Q Do you believe that all meaning of</p> <p>18 a text is subjective, or do you believe that</p> <p>19 there is objective meaning to a given text?</p> <p>20 MR. LERNER: Objection.</p> <p>21 If you understand the question, you</p> <p>22 can answer it.</p> <p>23 A I believe there can be objective</p> <p>24 truth to a text.</p> <p>25 Q Did you ever have any other</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 58</p> <p>1 JESSE ANGELO</p> <p>2 decisions, anything like that.</p> <p>3 MR. LERNER: Objection.</p> <p>4 Q Is that fair?</p> <p>5 A Again, I can recall speaking about</p> <p>6 advertising.</p> <p>7 Q Do you have specific recollections</p> <p>8 of discussing advertising with Mr. Murdoch?</p> <p>9 A Yes.</p> <p>10 Q What was said on those specific</p> <p>11 occasions that you recall where you</p> <p>12 discussed advertising with Mr. Murdoch?</p> <p>13 A I recall speaking with him once</p> <p>14 about the state of the advertising market</p> <p>15 overall and the economy after the financial</p> <p>16 crash in 2009.</p> <p>17 Q Have you ever discussed with him</p> <p>18 advertising for the paper? When I say "the</p> <p>19 paper," I mean The New York Post and/or</p> <p>20 The Daily.</p> <p>21 MR. LERNER: Objection.</p> <p>22 A Yes.</p> <p>23 Q What types of discussions did you</p> <p>24 have regarding advertising for the paper</p> <p>25 with Mr. Murdoch?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 59</p> <p>1 JESSE ANGELO</p> <p>2 MR. LERNER: Objection.</p> <p>3 A I'm sorry. Can you repeat the</p> <p>4 question.</p> <p>5 MR. CLARK: Could you read it</p> <p>6 back, please.</p> <p>7 (Requested portion of record read:</p> <p>8 "Q. What types of discussions did</p> <p>9 you have regarding advertising for the</p> <p>10 paper with Mr. Murdoch?")</p> <p>11 (End of read-back.)</p> <p>12 A I remember telling him about a BMW</p> <p>13 ad that ran in The Daily, because it was a</p> <p>14 good ad. It was an innovative ad.</p> <p>15 Q So you discussed specific</p> <p>16 advertisements with Mr. Murdoch?</p> <p>17 MR. LERNER: Objection.</p> <p>18 A I just told you of a conversation</p> <p>19 that I had with him about a BMW</p> <p>20 advertisement that appeared in The Daily.</p> <p>21 Q So yes, you have discussed with</p> <p>22 Mr. Murdoch specific advertisements?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A I just told you of a situation,</p> <p>25 yes.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 60</p> <p>1 JESSE ANGELO</p> <p>2 Q Have you ever sought guidance from</p> <p>3 Mr. Murdoch about what types of</p> <p>4 advertisements you should look for for the</p> <p>5 paper?</p> <p>6 A No.</p> <p>7 Q Have you ever sought guidance from</p> <p>8 Mr. Murdoch on what types of stories should</p> <p>9 be run in the paper?</p> <p>10 A No.</p> <p>11 Q Has he ever given you any guidance</p> <p>12 whatsoever on what types of stories should</p> <p>13 be run in the paper?</p> <p>14 MR. LERNER: Objection.</p> <p>15 A Not that I recall.</p> <p>16 Q Prior to summer 2010, do you</p> <p>17 remember the next most recent time that you</p> <p>18 spoke with Mr. Murdoch in The New York Post</p> <p>19 newsroom?</p> <p>20 A No. I don't recall.</p> <p>21 Q Have most of your discussions with</p> <p>22 Mr. Murdoch been in The Daily newsroom, or</p> <p>23 in The Post newsroom?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A Can you repeat the question.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 61</p> <p>1 JESSE ANGELO</p> <p>2 Q Have most of your discussions with</p> <p>3 Mr. Murdoch when you've spoken with him</p> <p>4 face-to-face been in The New York Post</p> <p>5 newsroom, or the in daily newsroom?</p> <p>6 MR. LERNER: Objection.</p> <p>7 A I have spoken to him more in</p> <p>8 The New York Post newsroom than in The Daily</p> <p>9 newsroom.</p> <p>10 Q Is that simply because you worked</p> <p>11 for a longer period of time in The New York</p> <p>12 Post newsroom?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A That's your supposition, not mine.</p> <p>15 Q I'm asking you to answer the</p> <p>16 question.</p> <p>17 A I don't know why. It was more</p> <p>18 occasions in The New York Post newsroom than</p> <p>19 in The Daily newsroom.</p> <p>20 Q Did you speak with Mr. Murdoch more</p> <p>21 frequently, in terms of the number of times</p> <p>22 a year, in The Post newsroom or The Daily</p> <p>23 newsroom?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A The Post newsroom.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 62</p> <p>1 JESSE ANGELO</p> <p>2 Q Now, other than physically seeing</p> <p>3 Mr. Murdoch and speaking to him in the</p> <p>4 newsroom, how often do you have any other</p> <p>5 type of communication with Mr. Murdoch?</p> <p>6 MR. LERNER: Objection.</p> <p>7 A Can you repeat the question,</p> <p>8 please.</p> <p>9 MR. CLARK: Could you read it</p> <p>10 back.</p> <p>11 (Requested portion of record read:</p> <p>12 "Q. Now, other than physically</p> <p>13 seeing Mr. Murdoch and speaking to him in</p> <p>14 the newsroom, how often do you have any</p> <p>15 other type of communication with</p> <p>16 Mr. Murdoch?)</p> <p>17 A Occasional.</p> <p>18 MR. LERNER: I'm not sure I</p> <p>19 understood the question.</p> <p>20 Q So how frequent is "occasional"?</p> <p>21 Once a week? Once a month?</p> <p>22 A It varies. Could be a few months,</p> <p>23 could be once a week. It depends.</p> <p>24 Q Let's say in the last six months,</p> <p>25 how many times in the last six months have</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 63</p> <p>1 JESSE ANGELO</p> <p>2 you had any type of communication with</p> <p>3 Mr. Murdoch?</p> <p>4 MR. LERNER: Objection.</p> <p>5 A Last six months, say four or five.</p> <p>6 Q So you are talking to him, in the</p> <p>7 last six months at least, approximately once</p> <p>8 every six weeks or so?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A Again, that's your math, sure.</p> <p>11 Q Do you have a specific recollection</p> <p>12 of the last conversation you had with</p> <p>13 Mr. Murdoch -- or the last communication you</p> <p>14 had with Mr. Murdoch?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A The last, yes.</p> <p>17 Q When was that?</p> <p>18 A Month ago.</p> <p>19 Q And what type of communication was</p> <p>20 it?</p> <p>21 A He called me.</p> <p>22 Q Why did he call you?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A You'd have to ask him.</p> <p>25 Q He didn't tell you why he was</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 64</p> <p>1 JESSE ANGELO</p> <p>2 calling?</p> <p>3 MR. LERNER: Objection.</p> <p>4 A He said, "Hi, how you doing."</p> <p>5 Q What else did he say?</p> <p>6 A I don't recall the specifics of the</p> <p>7 conversation.</p> <p>8 Q What did you talk about in general?</p> <p>9 A He called to ask how things were</p> <p>10 going. Just very general catch-up</p> <p>11 conversation.</p> <p>12 Q How things were going with what?</p> <p>13 A The Daily.</p> <p>14 Q And what did you tell him?</p> <p>15 A Again, I don't really recall the</p> <p>16 specifics of the conversation.</p> <p>17 MR. LERNER: Paul, does this</p> <p>18 have anything to do with this case?</p> <p>19 MR. CLARK: It has to do with</p> <p>20 Mr. Murdoch's role in managing the</p> <p>21 newspapers.</p> <p>22 MR. LERNER: Okay. But your</p> <p>23 questions are not tailored.</p> <p>24 First of all, The Daily has nothing</p> <p>25 to do with Sandra Guzman versus The New</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 65</p> <p>1 JESSE ANGELO</p> <p>2 York Post, NewsCorp or Fenner and</p> <p>3 Ikimulisa Livingston versus New York Post</p> <p>4 and NewsCorp. The Daily has nothing to</p> <p>5 do with these cases.</p> <p>6 And your questions about</p> <p>7 Mr. Murdoch are not tailored toward his</p> <p>8 dealings with The Post.</p> <p>9 You have initiated a broad-range</p> <p>10 inquiry which has already gotten into a</p> <p>11 completely different business area which</p> <p>12 is The Daily.</p> <p>13 MR. CLARK: That's not clear.</p> <p>14 Ask the witness that.</p> <p>15 MR. LERNER: We need to focus</p> <p>16 the questions on this case.</p> <p>17 MR. CLARK: Let's ask the</p> <p>18 witness about that, Mark.</p> <p>19 BY MR. CLARK:</p> <p>20 Q So what is the relationship between</p> <p>21 The Daily and The New York Post?</p> <p>22 A Define "relationship."</p> <p>23 Q What does the word "relationship"</p> <p>24 mean to you?</p> <p>25 A Can mean a number of things. There</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

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Page 78

JESSE ANGELO

A I don't know.

Q What is the policy on sex discrimination at New York Post?

MR. LERNER: Objection.

A It's not tolerated.

Q What do you mean by "It's not tolerated"?

MR. LERNER: Objection.

A We don't tolerate sexual harassment. That's the policy.

Q What is sexual harassment in your understanding?

MR. LERNER: Objection.

A I'm not a lawyer. I'm not qualified to define sexual harassment. That's a huge area of case law, is my understanding. You are probably more qualified than I am to answer that.

Q So as you sit here today, you can't tell me what sexual harassment is?

MR. LERNER: Objection.

A Are you asking me to give a legal definition of sexual harassment?

Q No. I'm just asking for your

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Page 79

JESSE ANGELO**understanding.****What is sexual harassment that is prohibited by The New York Post policy on sexual harassment in the workplace?**

MR. LERNER: Objection.

A There could be any one of many hypothetical examples of what would constitute sexual harassment. I don't think it's my place to give you hypothetical examples of what sexual harassment is.

Q I'm not asking hypothetical examples. I'm just --

A Then what are you asking.

Q What is what is your understanding of what is sexual harassment?

MR. LERNER: Objection.

A Again, there are lots of different things, in my limited understanding, that can constitute sexual harassment.

I don't feel qualified to give you hypothetical examples of what constitute sexual harassment.

Q Is it part of your job as either Executive Editor of The Post -- actually,

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Page 80

JESSE ANGELO**let me repeat that.****Is it part of your job as Executive Editor of The Post to report any instances of sexual harassment that you witness?**

A Yes.

Q So how would you know what to report if you don't know what sexual harassment is?

MR. LERNER: Objection.

A I know what sexual harassment is. That's not what you are asking me.

Q So what is it?

A Again, I believe there are many definitions of what could constitute sexual harassment.

Q Okay. Give me one.

MR. LERNER: Objection.

A If someone demanded a sexual favor in return for a promotion, that would be sexual harassment.

Q That would be an example of sexual harassment, right?

A Is that a question?

MR. LERNER: Objection.

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Page 81

JESSE ANGELO**Q I believe you said there are many definitions of sexual harassment, right?**

A My understanding is that there are many different forms of what can constitute sexual harassment.

Q Would dating a subordinate at The New York Post be considered sexual harassment?

MR. LERNER: Objection.

A No.

Q Is there any policy at The New York Post regarding supervisors dating employees that they supervise?

MR. LERNER: Objection.

A No.

Q Is there any policy at The New York Post governing supervisors having a sexual relationship with someone they supervise?

A No.

Q So you are familiar with The New York Post policy on sexual harassment, right?

A In broad terms.

Q As part of your job as

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<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 138</p> <p>1 JESSE ANGELO</p> <p>2 else who complained about the cartoon.</p> <p>3 Q So you are saying that -- do you</p> <p>4 recall that other employees complained about</p> <p>5 the cartoon?</p> <p>6 MR. LERNER: Objection.</p> <p>7 You can answer.</p> <p>8 A I remember speaking with other</p> <p>9 reporters about the -- other people at</p> <p>10 The Post about the cartoon.</p> <p>11 It was a characterization of</p> <p>12 "complaints."</p> <p>13 Q When you were speaking to these</p> <p>14 other employees about the cartoon, were any</p> <p>15 of these other employees offended by the</p> <p>16 cartoon?</p> <p>17 A I can't speak to their exact state</p> <p>18 of mind, but I spoke to a number of</p> <p>19 employees about the cartoon that day.</p> <p>20 Q Did any of these employees you</p> <p>21 spoke to about the cartoon that day express</p> <p>22 that they were offended by the cartoon?</p> <p>23 A Not that I specifically recall.</p> <p>24 Q Do you believe the cartoon is</p> <p>25 offensive?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 139</p> <p>1 JESSE ANGELO</p> <p>2 A No.</p> <p>3 Q Mr. Greene says "Angelo admitted</p> <p>4 that the cartoon could be seen as racist."</p> <p>5 Did you tell Mr. Greene that?</p> <p>6 A I think that's a</p> <p>7 mischaracterization of my words.</p> <p>8 And if I may clear up something I</p> <p>9 said earlier.</p> <p>10 You asked me if I had any reason to</p> <p>11 doubt Mr. Greene's honesty, and I'd like to</p> <p>12 recharacterize my answer which was I hadn't</p> <p>13 in the past until I read this affidavit.</p> <p>14 Q So tell me why this is a</p> <p>15 mischaracterization when Mr. Greene says</p> <p>16 "Angelo admitted that the cartoon could be</p> <p>17 seen as racist"?</p> <p>18 A Again, I don't recall what my exact</p> <p>19 words were.</p> <p>20 As I said, what I would have said</p> <p>21 to Leonard that day, as I said to any member</p> <p>22 of staff: I can understand how people might</p> <p>23 have misconstrued the cartoon and therefore</p> <p>24 been offended by it but I don't see it as</p> <p>25 racist.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 140</p> <p>1 JESSE ANGELO</p> <p>2 Q How is it that people can</p> <p>3 misconstrue the cartoon and be offended by</p> <p>4 it, in your understanding?</p> <p>5 A I'm not going put myself in anyone</p> <p>6 else's mind and say how they may or may not</p> <p>7 construe.</p> <p>8 Q You testified earlier that you were</p> <p>9 familiar with blacks being portrayed as</p> <p>10 subhuman, as animals, chimpanzees, apes,</p> <p>11 things like that, correct?</p> <p>12 A You just listed a number of</p> <p>13 categories of what you are defining as</p> <p>14 subhuman, and I don't think I agreed to my</p> <p>15 previous answer.</p> <p>16 Q Did you say that you were aware</p> <p>17 that blacks had been portrayed as apes?</p> <p>18 A Yes.</p> <p>19 Q Would you -- have blacks in the</p> <p>20 past been portrayed as chimpanzees?</p> <p>21 A Yes.</p> <p>22 Q You were aware of this at the time</p> <p>23 you approved the cartoon, correct?</p> <p>24 A I didn't say that.</p> <p>25 Q Didn't you testify earlier that at</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 141</p> <p>1 JESSE ANGELO</p> <p>2 the time the cartoon was published, you were</p> <p>3 aware of these historical predictions?</p> <p>4 A I'm aware of that historical fact</p> <p>5 over a long period of time.</p> <p>6 The way you phrase it, it says I</p> <p>7 have an awareness of the fact as I approved</p> <p>8 the publication of the cartoon, and I can't</p> <p>9 say that I did. It was not in my mind as I</p> <p>10 approved the cartoon for publication.</p> <p>11 Q So you are telling me when you</p> <p>12 approved the cartoon for publication, you</p> <p>13 were generally aware that blacks had been</p> <p>14 portrayed as chimpanzees but you did not</p> <p>15 connect that knowledge with this particular</p> <p>16 cartoon?</p> <p>17 A I was aware of the historical fact</p> <p>18 that blacks had been portrayed as</p> <p>19 chimpanzees in the past in American history.</p> <p>20 I never brought that knowledge to</p> <p>21 bear in any way, shape or form on the</p> <p>22 publication of this cartoon.</p> <p>23 Q Are you saying then it never</p> <p>24 occurred to you that people could connect</p> <p>25 this particular chimpanzee cartoon with a</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 142</p> <p>1 JESSE ANGELO</p> <p>2 racist depiction of blacks?</p> <p>3 MR. LERNER: Hold on.</p> <p>4 All right. You can go ahead.</p> <p>5 Read back the question.</p> <p>6 THE WITNESS: Can I have the</p> <p>7 question read, please.</p> <p>8 (Requested portion of record read:</p> <p>9 "Q. Are you saying then it never</p> <p>10 occurred to you that people could connect</p> <p>11 this particular chimpanzee cartoon with a</p> <p>12 racist depiction of blacks?")</p> <p>13 (End of read-back.)</p> <p>14 MR. LERNER: Objection. Object</p> <p>15 to form.</p> <p>16 A No.</p> <p>17 MR. LERNER: The question was</p> <p>18 ambiguous as to when you were asking</p> <p>19 him.</p> <p>20 BY MR. CLARK:</p> <p>21 Q Prior to the publication, it never</p> <p>22 occurred to you that people could connect</p> <p>23 the chimpanzee cartoon with racist</p> <p>24 depictions of blacks?</p> <p>25 A No.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 143</p> <p>1 JESSE ANGELO</p> <p>2 MR. LERNER: And that's how you</p> <p>3 understood the prior question?</p> <p>4 THE WITNESS: Yes, that's how I</p> <p>5 understood the prior question.</p> <p>6 A Just to be perfectly clear, you are</p> <p>7 saying prior to the publication of the</p> <p>8 cartoon, did I ever take the historical fact</p> <p>9 that blacks had been depicted as chimpanzees</p> <p>10 and see that somebody might then see this</p> <p>11 cartoon and construe it as racist because of</p> <p>12 that?</p> <p>13 No, I never connected the two. It</p> <p>14 never occurred to me.</p> <p>15 (Angelo Exhibit 5, Article,</p> <p>16 Page 11 and Page 12 of The New York</p> <p>17 Post, Bates Numbers SG-6842 through</p> <p>18 SG-6843, was marked for</p> <p>19 Identification.)</p> <p>20 BY MR. CLARK:</p> <p>21 Q Could you take a glance at that</p> <p>22 and --</p> <p>23 MR. CLARK: For the record,</p> <p>24 this is SG-6842 and 6843.</p> <p>25 A Okay.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 144</p> <p>1 JESSE ANGELO</p> <p>2 Q Have you seen these before?</p> <p>3 A Yes.</p> <p>4 Q What are these --</p> <p>5 A Oh, these.</p> <p>6 Q This is two pages.</p> <p>7 A I didn't realize there were two.</p> <p>8 Okay. Yes.</p> <p>9 Q What are the two pages we just</p> <p>10 marked as Angelo 5?</p> <p>11 A They appear to be photocopies of</p> <p>12 two pages of The New York Post.</p> <p>13 Q Is it Page 11 and Page 12?</p> <p>14 A They appear to be, yes.</p> <p>15 Q And Page 11 has a picture of Barack</p> <p>16 Obama and Page 12 has a picture of the</p> <p>17 chimpanzee cartoon, correct?</p> <p>18 A Correct.</p> <p>19 Q Is it just a coincidence that</p> <p>20 Barack Obama is on Page 11 and the cartoon</p> <p>21 is on Page 12?</p> <p>22 MR. LERNER: Objection.</p> <p>23 I'm going to instruct you not to</p> <p>24 answer that question.</p> <p>25 (Directive to witness.)</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 145</p> <p>1 JESSE ANGELO</p> <p>2 MR. CLARK: On what basis?</p> <p>3 MR. LERNER: There's no</p> <p>4 foundation for the question</p> <p>5 whatsoever and gets into privileged</p> <p>6 areas.</p> <p>7 BY MR. CLARK:</p> <p>8 Q Do you know why there's a picture</p> <p>9 of Barack Obama signing something on</p> <p>10 Page 11?</p> <p>11 MR. LERNER: Objection. Hold</p> <p>12 on a second.</p> <p>13 The layout of the paper is and the</p> <p>14 process by which the paper laid out is</p> <p>15 subject to editorial privilege. And it's</p> <p>16 not even clear Mr. Angelo has any</p> <p>17 knowledge with respect to the layout of</p> <p>18 the paper and why it was laid out this</p> <p>19 way.</p> <p>20 So, no, this is privileged</p> <p>21 material.</p> <p>22 (Directive to witness.)</p> <p>23 BY MR. CLARK:</p> <p>24 Q Mr. Angelo, do you see in the</p> <p>25 second paragraph of the story on Page 11 it</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 158</p> <p>1 JESSE ANGELO</p> <p>2 A What I was saying is -- you asked</p> <p>3 me if anybody was offended by the cartoon</p> <p>4 for other than racial reasons. Some people,</p> <p>5 my understanding, they were offended by</p> <p>6 shooting the President of the United States,</p> <p>7 regardless of his raise.</p> <p>8 Q And was there any other basis for</p> <p>9 being offended by the cartoon other than</p> <p>10 shooting the President and it being racially</p> <p>11 offensive?</p> <p>12 A Again, you are characterizing what</p> <p>13 I had said briefly about how people may or</p> <p>14 may not have perceived this cartoon. I</p> <p>15 don't know how anyone perceived this cartoon</p> <p>16 other than myself.</p> <p>17 Q But you don't perceive it as</p> <p>18 racially offensive?</p> <p>19 A No.</p> <p>20 Q You don't perceive it offensive in</p> <p>21 any way?</p> <p>22 A I believe the chimpanzee in the</p> <p>23 cartoon referred to the members of Congress</p> <p>24 who wrote the stimulus bill.</p> <p>25 Q And therefore, it's not offensive?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 159</p> <p>1 JESSE ANGELO</p> <p>2 A To my mind, the cartoon was about</p> <p>3 the congressional members of staff who wrote</p> <p>4 the stimulus bill that had been widely</p> <p>5 criticized at the time. It was not meant to</p> <p>6 be the President.</p> <p>7 Q That's not the question.</p> <p>8 The question is: Do you believe</p> <p>9 the cartoon is offensive, you personally,</p> <p>10 sitting here today?</p> <p>11 A No.</p> <p>12 Q Okay. Fine.</p> <p>13 MR. CLARK: Can we mark this as</p> <p>14 6.</p> <p>15 (Angelo Exhibit 6, Affidavit</p> <p>16 of Shari Logan, Bates Numbers</p> <p>17 SG-0940 through SG-0943, was marked</p> <p>18 for Identification.)</p> <p>19 BY MR. CLARK:</p> <p>20 Q For the record, this is</p> <p>21 Bates-stamped SG-940 through 943 and it is</p> <p>22 entitled Affidavit of Shari Logan.</p> <p>23 Mr. Angelo, have you ever seen a</p> <p>24 copy of this affidavit, outside of this</p> <p>25 lawsuit?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 160</p> <p>1 JESSE ANGELO</p> <p>2 A No.</p> <p>3 Q I just want to call your attention</p> <p>4 to a few things.</p> <p>5 A May I read the affidavit?</p> <p>6 Q I'm sorry. I thought you had.</p> <p>7 A No.</p> <p>8 Q Go ahead.</p> <p>9 A Thank you.</p> <p>10 Okay.</p> <p>11 Q So did Shari Logan work for you in</p> <p>12 2008/2009?</p> <p>13 A No. What was her relationship to</p> <p>14 you at the time period that the cartoon was</p> <p>15 published?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A Can you define "relationship."</p> <p>18 Q I mean, if she didn't work for you,</p> <p>19 was she someone that was a subordinate to</p> <p>20 you? Did she run errands for you?</p> <p>21 Put it this way: What was her job,</p> <p>22 as far as you recall, in February 2009?</p> <p>23 A She was a copy desk assistant.</p> <p>24 Q As a copy desk assistant --</p> <p>25 A Or copy assistant, I think is the</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 161</p> <p>1 JESSE ANGELO</p> <p>2 correct title.</p> <p>3 Q Did she take orders from you as a</p> <p>4 copy assistant?</p> <p>5 A From time to time she could have.</p> <p>6 Q In other words, you were her</p> <p>7 superior?</p> <p>8 A I was not her direct superior, no.</p> <p>9 Q You were not her direct supervisor,</p> <p>10 right?</p> <p>11 A Correct.</p> <p>12 Q But would you say that you -- what</p> <p>13 was your position at the time?</p> <p>14 A I was Managing Editor.</p> <p>15 Q So wouldn't you agree the Managing</p> <p>16 Editor is superior to a copy assistant?</p> <p>17 A I don't understand what you mean by</p> <p>18 the term "superior."</p> <p>19 Q Well, you could give her orders,</p> <p>20 right?</p> <p>21 A Yes.</p> <p>22 Q Tell her to do things?</p> <p>23 A Yes.</p> <p>24 Q She couldn't tell you to do things?</p> <p>25 A Correct.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions Page 238</p> <p>1 JESSE ANGELO 2 3 4 5 6 7 8 9 REDACTED 10 11 12 13 14 15 16 17 18 19 MR. CLARK: Mark this as 15, 20 please. 21 (Angelo Exhibit 15, E-mail 22 chain, top e-mail dated Thursday, 23 December 4, 2008, 12:24 p.m., Bates 24 Number NYP-FL-002323, was marked 25 for Identification.) TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions Page 239</p> <p>1 JESSE ANGELO 2 MR. CLARK: This is Bates- 3 stamped NYP-FL-002323. 4 BY MR. CLARK: 5 Q If you can just take a look at that 6 for a minute. 7 A Okay. 8 Q Have you seen this e-mail before 9 other than in connection with this lawsuit? 10 A Not that I recall. 11 12 13 14 15 16 REDACTED 17 18 19 20 21 22 23 24 25 TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions Page 240</p> <p>1 JESSE ANGELO 2 3 4 5 REDACTED 6 7 8 9 Q Do you know if his pay was reduced? 10 A It was not. 11 Q How do you know that? 12 A In my time at The New York Post, I 13 never saw anybody's pay reduced. 14 Q So even though someone were 15 demoted, their pay would not be reduced? 16 A I never saw -- 17 MR. LERNER: Objection. 18 Sorry. Go ahead. 19 A Again, I don't recollect ever 20 seeing it occur. 21 22 REDACTED 23 24 A Yes. 25 Q Who else did that happen to? TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions Page 241</p> <p>1 JESSE ANGELO 2 A I recollect that happening to a man 3 named REDACTED 4 Q And what was John's job before he 5 was demoted? 6 A He REDACTED as 7 an assistant or associate editor. I don't 8 remember the exact title. And then he was 9 demoted to be a reporter. 10 Q And you know that his pay was not 11 reduced? 12 A Again, I don't recollect there 13 being any change in pay. 14 Q So are you saying his pay was not 15 reduced or you don't know it wasn't reduced? 16 A I don't believe it was reduced. 17 Again, I don't recollect anyone ever having 18 their pay reduced at The New York Post. 19 Q Who is REDACTED 20 A Margi Conklin is an editor of 21 The New York Post. 22 Q What is her -- she's currently an 23 editor? 24 A Yes. 25 Q What is her current position? TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 278</p> <p>1 JESSE ANGELO</p> <p>2 A No, I'm not. Sorry.</p> <p>3 Q United States Supreme Court is not</p> <p>4 an important beat?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A Once again --</p> <p>7 MR. LERNER: His testimony was</p> <p>8 there was no Supreme Court beat.</p> <p>9 MR. CLARK: His testimony is</p> <p>10 all beats are equal, which is clearly</p> <p>11 not true.</p> <p>12 MR. LERNER: Hold on. There's</p> <p>13 no question pending.</p> <p>14 Q Is your testimony all beats are</p> <p>15 equal.</p> <p>16 The United States Supreme reporter</p> <p>17 and runner reporter, one beat is just as</p> <p>18 good as the next.</p> <p>19 Is that your testimony?</p> <p>20 MR. LERNER: Objection.</p> <p>21 A I don't believe that is an accurate</p> <p>22 description of my testimony.</p> <p>23 Q So a reporter assigned to the</p> <p>24 United States Supreme Court would have a</p> <p>25 more important beat than a runner reporter?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 279</p> <p>1 JESSE ANGELO</p> <p>2 MR. LERNER: Objection.</p> <p>3 A Again, this hypothetical position</p> <p>4 covering the United States Supreme Court for</p> <p>5 The New York Post does not exist. I've</p> <p>6 never heard of that beat occurring at</p> <p>7 The New York Post.</p> <p>8 So making a hypothetical comparison</p> <p>9 between something that doesn't exist and</p> <p>10 another job that you are describing in</p> <p>11 incredibly broad terms, I don't feel</p> <p>12 comfortable making that comparison.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 REDACTED</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 280</p> <p>1 JESSE ANGELO</p> <p>2 Q So why isn't it a demotion to go</p> <p>3 from courthouse reporter to runner reporter?</p> <p>4 MR. LERNER: Objection.</p> <p>5 Argumentative.</p> <p>6 A They're different roles. They're</p> <p>7 both reporters. They're just different</p> <p>8 roles. It's not a demotion.</p> <p>9 MR. CLARK: Could we mark this</p> <p>10 as 20.</p> <p>11 (Angelo Exhibit 20, E-mail</p> <p>12 dated Monday, January, 30, 2006,</p> <p>13 3:52 p.m., Bates Number IL-597, was</p> <p>14 marked for identification.)</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. CLARK:</p> <p>17 Q This appears to be another e-mail</p> <p>18 dated a few days later from Ms. Livingston</p> <p>19 to you, correct?</p> <p>20 A Yes.</p> <p>21 Q And she asks again about the Queens</p> <p>22 Courthouse position?</p> <p>23 A Yes.</p> <p>24 Q Do you recall or does this refresh</p> <p>25 your recollection you had any discussions or</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 281</p> <p>1 JESSE ANGELO</p> <p>2 e-mails with Ms. Livingston between the</p> <p>3 first e-mail on Friday and the next e-mail</p> <p>4 on Monday?</p> <p>5 A I don't recall any discussions with</p> <p>6 Ms. Livingston in the time frame that you</p> <p>7 described.</p> <p>8 Q But you don't know if you did or</p> <p>9 you didn't. You just don't recall?</p> <p>10 A I don't recall having those</p> <p>11 conversations.</p> <p>12 Q In her e-mail dated the 30th,</p> <p>13 which is 20, she references that in 2004 she</p> <p>14 asked to be considered for the Queens</p> <p>15 Courthouse position.</p> <p>16 Do you know if that's a true</p> <p>17 statement?</p> <p>18 A I don't recall.</p> <p>19 Q Do you remember if you ever</p> <p>20 investigated whether that was a true</p> <p>21 statement?</p> <p>22 A Do I recall if I investigated if</p> <p>23 that was a true statement.</p> <p>24 Q In other words, do you recall if</p> <p>25 you investigated whether she had applied in</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 326</p> <p>1 JESSE ANGELO</p> <p>2 Q Would it happen that they would</p> <p>3 actually send someone halfway across the</p> <p>4 country to cover an important story who was</p> <p>5 not qualified to cover that story?</p> <p>6 MR. LERNER: Objection.</p> <p>7 A Again, it's a hypothetical question</p> <p>8 about what an editor may or may not do on a</p> <p>9 story. Reporters get sent out on stories</p> <p>10 for all sorts of reasons all the time.</p> <p>11 Q Halfway across the country?</p> <p>12 A Sometimes, yeah.</p> <p>13 Q Do you remember this story about</p> <p>14 Archbishop Dolan that we've provided you as</p> <p>15 Exhibit 27?</p> <p>16 A No.</p> <p>17 Q Would you agree that an exclusive</p> <p>18 interview with the incoming bishop is an</p> <p>19 important accomplishment?</p> <p>20 MR. LERNER: Option.</p> <p>21 A I wouldn't characterize it as</p> <p>22 an important accomplishment. That isn't a</p> <p>23 phrase I would use.</p> <p>24 Q Is it an accomplishment?</p> <p>25 MR. LERNER: What's the "it"?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 327</p> <p>1 JESSE ANGELO</p> <p>2 MR. CLARK: An exclusive</p> <p>3 interview with the incoming</p> <p>4 Archbishop of New York.</p> <p>5 A Yeah, it's a good story. It's on</p> <p>6 Page 15, so not great.</p> <p>7 Q Can you name any New York Post</p> <p>8 reporters who you think are unqualified for</p> <p>9 the positions that they hold?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A I don't have that level of</p> <p>12 knowledge about the reporters at The New</p> <p>13 York Post at this point in time to make such</p> <p>14 an assessment.</p> <p>15 Q Let's limit it to when you were</p> <p>16 Metropolitan Editor.</p> <p>17 When you were Metro Editor, were</p> <p>18 there any reporters that worked for you that</p> <p>19 were unqualified? To be reporters.</p> <p>20 A Can you define "unqualified."</p> <p>21 Q You tell me, you are an editor. In</p> <p>22 your view, unqualified.</p> <p>23 MR. LERNER: Objection.</p> <p>24 I don't even understand</p> <p>25 "unqualified."</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 328</p> <p>1 JESSE ANGELO</p> <p>2 Paul, I don't see how he's possibly</p> <p>3 going to answer this question. I mean, a</p> <p>4 reporter could be qualified for one story</p> <p>5 and not qualified for another story two</p> <p>6 blocks away.</p> <p>7 A I'm sorry. I really don't</p> <p>8 understand the question either.</p> <p>9 Q When you were Metro Desk Editor,</p> <p>10 did you ever send a reporter to cover a</p> <p>11 story that you believed that reporter was</p> <p>12 unqualified to cover?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A Again, "unqualified" is a difficult</p> <p>15 term for me. I don't know what you mean by</p> <p>16 "unqualified."</p> <p>17 Can you give me an example of what</p> <p>18 you mean by "unqualified"?</p> <p>19 Q In your view, did you ever assign</p> <p>20 someone a story and in your view you felt</p> <p>21 the person would be unqualified to cover the</p> <p>22 story, would not be able to cover the story</p> <p>23 adequately.</p> <p>24 MR. LERNER: Objection.</p> <p>25 A Yes.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 329</p> <p>1 JESSE ANGELO</p> <p>2 Q Did you ever send anyone over</p> <p>3 500 miles away who you believe was</p> <p>4 unqualified to cover a story?</p> <p>5 A Sometimes you send a reporter</p> <p>6 because that was a person who was available.</p> <p>7 That's not uncommon. Sometimes it's late at</p> <p>8 night and the only person there is a junior</p> <p>9 reporter and they're the only person to go</p> <p>10 cover a big fire. And they may not be the</p> <p>11 ideal choice to cover that story but you</p> <p>12 send them because they're there.</p> <p>13 So again, the choice to send a</p> <p>14 reporter on a story is not, de facto, an</p> <p>15 endorsement of their qualifications one way</p> <p>16 or the other. And again, "qualifications"</p> <p>17 is a very broad term.</p> <p>18 There are lots of reasons that a</p> <p>19 reporter could get sent on a story,</p> <p>20 availability, shifts, any number of things.</p> <p>21 Q Can you give me an example when you</p> <p>22 sent a reporter on a story that you did not</p> <p>23 believe that reporter would do a good job</p> <p>24 when you sent that reporter hundreds of</p> <p>25 miles away to another city to cover?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 358</p> <p>1 JESSE ANGELO</p> <p>2 testimony is you are certain you have never</p> <p>3 seen this photograph that I provided you on</p> <p>4 Col Allan's Blackberry or iPhone or some</p> <p>5 kind of device like that, correct?</p> <p>6 A Yes.</p> <p>7 Q And Col Allan -- I think you</p> <p>8 already said this but just to be clear. Col</p> <p>9 Allan has never shown you this photograph at</p> <p>10 any time?</p> <p>11 A No, he's never shown me this</p> <p>12 photograph.</p> <p>13 Q Have you ever seen Col Allan show a</p> <p>14 photograph of a naked man to anyone?</p> <p>15 A The only time that I ever saw</p> <p>16 anything like that, I remember seeing a</p> <p>17 front page on his Blackberry that had a news</p> <p>18 photograph in it, with a naked man in it.</p> <p>19 Q When was that?</p> <p>20 A I don't recall the exact date.</p> <p>21 Q Do you recall what naked man was</p> <p>22 depicted on this front-page story on the</p> <p>23 Blackberry?</p> <p>24 A It was a crazy guy who ran naked</p> <p>25 through Times Square.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 359</p> <p>1 JESSE ANGELO</p> <p>2 Q And was anyone else present when he</p> <p>3 showed you this photograph?</p> <p>4 A Not that I recall.</p> <p>5 And again just to be clear, he</p> <p>6 didn't show me the photograph. He showed me</p> <p>7 a pdf of the front page of The New York Post</p> <p>8 that had that photograph.</p> <p>9 Q Where did this take place?</p> <p>10 A At Langan's.</p> <p>11 Q And you don't know if anyone else</p> <p>12 saw this photograph?</p> <p>13 A No.</p> <p>14 MR. CLARK: We have to change</p> <p>15 the tape. Why don't we take a break</p> <p>16 and we'll wrap up.</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 6:55. We're going off the record.</p> <p>19 (A brief recess was</p> <p>20 taken.)</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 7:00. We're back on the record.</p> <p>23 BY MR. CLARK:</p> <p>24 Q Mr. Angelo, who is Steve Dunlevy?</p> <p>25 A Steve Dunlevy used to be a</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 360</p> <p>1 JESSE ANGELO</p> <p>2 columnist at The New York Post.</p> <p>3 Q Did Steve Dunlevy ever use a racial</p> <p>4 epithet in your presence?</p> <p>5 A Yes.</p> <p>6 Q Where did this happen?</p> <p>7 A At Langan's.</p> <p>8 Q What did he say?</p> <p>9 A He used a racial epithet in</p> <p>10 conjunction with another member of staff,</p> <p>11 and I reprimanded him for it.</p> <p>12 Q Can you be more specific?</p> <p>13 What did he say exactly?</p> <p>14 A He was referring to a member of</p> <p>15 staff named Robert George and he referred to</p> <p>16 him as the token N-word. And I heard him</p> <p>17 say it and I immediately reprimanded him for</p> <p>18 it.</p> <p>19 Q When did in occur?</p> <p>20 A I don't recall the exact date.</p> <p>21 Q Was anyone else present?</p> <p>22 A Yes.</p> <p>23 Q Who else was present?</p> <p>24 A Robert George was present.</p> <p>25 Q He says this in Robert George's</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 361</p> <p>1 JESSE ANGELO</p> <p>2 presence?</p> <p>3 A Yes.</p> <p>4 Q Was anyone else present?</p> <p>5 A Col Allan was present.</p> <p>6 Q Anyone else?</p> <p>7 A I believe there were other people</p> <p>8 around. I don't recall who they were or in</p> <p>9 what proximity.</p> <p>10 Q What was Col Allan's reaction?</p> <p>11 A You know, I don't recall Col's</p> <p>12 reaction.</p> <p>13 Q You said you reprimanded</p> <p>14 Mr. Dunlevy?</p> <p>15 A That is correct.</p> <p>16 Q How did you reprimand him?</p> <p>17 A I told him it was unacceptable,</p> <p>18 inappropriate and he couldn't speak that</p> <p>19 way.</p> <p>20 Q Was any other action ever taken</p> <p>21 against Mr. Dunlevy?</p> <p>22 A For what?</p> <p>23 Q For this incident.</p> <p>24 A Not that I am aware of.</p> <p>25 Q So you thought that a verbal</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 362</p> <p>1 JESSE ANGELO</p> <p>2 reprimand was all that was required in the</p> <p>3 circumstance?</p> <p>4 A I gave him a stern verbal reprimand</p> <p>5 and I considered that to be the end of the</p> <p>6 situation.</p> <p>7 Q Would you regard Mr. Dunlevy's use</p> <p>8 of the N-word as contrary to company policy?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A I don't know.</p> <p>11 Q Would it be considered a form of</p> <p>12 racial harassment?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A That's not for me to say. I'm not</p> <p>15 a lawyer.</p> <p>16 Q Well, you were his supervisor,</p> <p>17 right?</p> <p>18 A Yes.</p> <p>19 Q But you're not able to say whether</p> <p>20 this might be considered harassment?</p> <p>21 A I knew it was inappropriate. I</p> <p>22 immediately told him so and reprimanded him</p> <p>23 for saying it.</p> <p>24 Q Did you ever report this to the</p> <p>25 Human Resources people?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 363</p> <p>1 JESSE ANGELO</p> <p>2 A Not that I recall.</p> <p>3 Q Did you report it to anybody at</p> <p>4 all?</p> <p>5 A Not that I recall, no.</p> <p>6 Q Did you ever document in writing</p> <p>7 the fact that Mr. Dunlevy had used this</p> <p>8 racial epithet?</p> <p>9 A Not that I recall.</p> <p>10 Q So there's nothing in Mr. Dunlevy's</p> <p>11 file that was ever put in his file</p> <p>12 documenting this incident; is that correct?</p> <p>13 A Not that I am aware of.</p> <p>14 Q Did you ever hear Mr. Dunlevy use a</p> <p>15 racial epithet other than this incident</p> <p>16 you've already discussed?</p> <p>17 A No.</p> <p>18 Q Did you ever have anyone tell you</p> <p>19 that Mr. Dunlevy had used a racial epithet</p> <p>20 on another occasion?</p> <p>21 A No.</p> <p>22 Q And to be clear, Robert George is</p> <p>23 black; is that correct?</p> <p>24 A Yes. They were good friends,</p> <p>25 Robert and Steve.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 364</p> <p>1 JESSE ANGELO</p> <p>2 Q What's the relevance of that? Do</p> <p>3 you think that makes it okay?</p> <p>4 A No.</p> <p>5 Q Did you have any role in the</p> <p>6 closing of Tempo?</p> <p>7 A No.</p> <p>8 Q Did you have any role in Sandra</p> <p>9 Guzman's termination?</p> <p>10 A No.</p> <p>11 Q What is your understanding of why</p> <p>12 Sandra Guzman was terminated?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A The ads for Tempo dried up; the</p> <p>15 section ceased to exist. She was the editor</p> <p>16 of the section.</p> <p>17 Q Are you aware whether or not Sandra</p> <p>18 edited other sections?</p> <p>19 A I don't have awareness of her</p> <p>20 editing other sections.</p> <p>21 Q You don't know if she edited</p> <p>22 anything other than Tempo?</p> <p>23 A I was not aware of any other duties</p> <p>24 she had.</p> <p>25 In the process of preparing for</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 365</p> <p>1 JESSE ANGELO</p> <p>2 this lawsuit, I became aware she had other</p> <p>3 duties. I didn't know anything about them.</p> <p>4 Q That's fine.</p> <p>5 What's your understanding of who</p> <p>6 made the decision to terminate Sandra</p> <p>7 Guzman?</p> <p>8 MR. LERNER: Objection.</p> <p>9 If you have such an understanding.</p> <p>10 MR. CLARK: That's fine. If he</p> <p>11 doesn't, he can say, "I don't know."</p> <p>12 A I don't know.</p> <p>13 Q Did anyone ever consult you as to</p> <p>14 whether Sandra Guzman should be fired?</p> <p>15 A No, not that I recall.</p> <p>16 Q Were you privy to any conversations</p> <p>17 prior to Sandra Guzman's termination</p> <p>18 regarding her possible termination?</p> <p>19 A Not that I recall.</p> <p>20 Q So you did not know that Sandra</p> <p>21 Guzman would be terminated until it</p> <p>22 happened?</p> <p>23 A That's not what I said.</p> <p>24 Q So did anyone ever talk to you</p> <p>25 about Sandra Guzman being terminated prior</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 366</p> <p>1 JESSE ANGELO</p> <p>2 to her termination?</p> <p>3 A No.</p> <p>4 Q So I'm trying to figure out how</p> <p>5 what I said was different from you then.</p> <p>6 You had no prior knowledge that</p> <p>7 Sandra Guzman was going to be terminated,</p> <p>8 right?</p> <p>9 A Yes. That's correct. I had no</p> <p>10 prior knowledge. I wasn't aware of it.</p> <p>11 Q Did anyone -- when did you first</p> <p>12 learn that she would be terminated, Sandra</p> <p>13 Guzman would be terminated?</p> <p>14 A I don't recall when.</p> <p>15 Q Was it before or after she was</p> <p>16 terminated?</p> <p>17 A I don't recall.</p> <p>18 Q So you might have known about her</p> <p>19 termination before she did?</p> <p>20 A I might have known about her</p> <p>21 termination. I don't recall when I learned</p> <p>22 about her termination or in what manner.</p> <p>23 Q But it might have been prior to her</p> <p>24 termination?</p> <p>25 A Might have been.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 367</p> <p>1 JESSE ANGELO</p> <p>2 Q Do you know if Col Allan played any</p> <p>3 role in Sandra Guzman's termination?</p> <p>4 A I don't know.</p> <p>5 Q Has Col Allan ever spoken to you</p> <p>6 about Sandra Guzman's termination at any</p> <p>7 point?</p> <p>8 A Not that I recall.</p> <p>9 Q Have you ever spoken to Paul</p> <p>10 Carlucci about Ms. Guzman's termination,</p> <p>11 again at any point?</p> <p>12 A No, not that I recall.</p> <p>13 Q Do you remember speaking to any</p> <p>14 employee of New York Post or News</p> <p>15 Corporation about Sandra Guzman's</p> <p>16 termination?</p> <p>17 A No.</p> <p>18 Q Never had any conversations with</p> <p>19 any New York Post employee about Sandra</p> <p>20 Guzman's termination?</p> <p>21 A I don't recall such conversations.</p> <p>22 Q And you don't recall any</p> <p>23 conversations with anyone at NewsCorp about</p> <p>24 Sandra Guzman's termination? Other than</p> <p>25 your counsel, obviously.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 368</p> <p>1 JESSE ANGELO</p> <p>2 A No, I don't recall any such</p> <p>3 conversations.</p> <p>4 Q Do you know who would normally</p> <p>5 approve the termination of an associate</p> <p>6 editor?</p> <p>7 A I don't know if there's a formal</p> <p>8 process for that.</p> <p>9 Q Would you expect Col Allan to be</p> <p>10 involved in a decision like that?</p> <p>11 MR. LERNER: Objection.</p> <p>12 A Yes, I would.</p> <p>13 Q Would you expect Rupert Murdoch to</p> <p>14 be involved in a decision like that?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A No.</p> <p>17 Q Would you expect Paul Carlucci to</p> <p>18 be involved in a decision like that?</p> <p>19 MR. LERNER: Objection.</p> <p>20 A No.</p> <p>21 Q Why not?</p> <p>22 A The publisher by and large has --</p> <p>23 I've never encountered the publisher having</p> <p>24 any say with personnel hires on the</p> <p>25 editorial side.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 369</p> <p>1 JESSE ANGELO</p> <p>2 Q If an associate editor were going</p> <p>3 to be reassigned, who would make that</p> <p>4 decision?</p> <p>5 A Again, I don't know.</p> <p>6 Q Did you ever speak to Joe</p> <p>7 Robinowitz about the decision to terminate</p> <p>8 Sandra Guzman?</p> <p>9 A Not that I recall.</p> <p>10 Q Have you ever discussed Col Allan</p> <p>11 with Sandra Guzman?</p> <p>12 A Not that I recall.</p> <p>13 Q Have you ever discussed Les</p> <p>14 Goodstein with Sandra Guzman?</p> <p>15 A No, not that I recall.</p> <p>16 Q Have you ever discussed Jennifer</p> <p>17 Jehn with Sandra Guzman?</p> <p>18 A No, not that I recall.</p> <p>19 Q I think you may have answered this</p> <p>20 already, but did you ever discuss the</p> <p>21 chimpanzee cartoon with Sandra Guzman?</p> <p>22 MR. LERNER: Objection. This</p> <p>23 was covered.</p> <p>24 MR. CLARK: I think I already</p> <p>25 asked it but I just want to make</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 AUSTIN FENNER and)
IKIMULISA LIVINGSTON,)
5)

Plaintiff,) 09 CV 9832

6) (BSJ) (RLE)

vs.)
7)

NEWS CORPORATION, NYP HOLDINGS,)
8 INC., d/b/a THE NEW YORK POST)
and DAN GREENFIELD and MICHELLE)
9 GOTTHELF,)
)

10 Defendants.)
-----)

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14
15
16 DEPOSITION OF JESSE ANGELO
17 New York, New York
18 Friday, April 5, 2013
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20
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22
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24 Reported by:
JOMANNA DeROSA, CSR
25 JOB NO. 59957

<p style="text-align: right;">Page 10</p> <p>1 J. ANGELO</p> <p>2 counsel, and it's a matter of the</p> <p>3 attorney-client relationship, and it's</p> <p>4 privileged.</p> <p>5 MR. PEARSON: I don't think so. I</p> <p>6 think that the substance of the discussions</p> <p>7 surely are, but the fact of a document that a</p> <p>8 witness has seen, that's not privileged. If a</p> <p>9 witness has seen a document or not, that's</p> <p>10 simply part of the witness' fact knowledge at</p> <p>11 that point.</p> <p>12 MR. LERNER: It's the context.</p> <p>13 You're probing into a privileged</p> <p>14 attorney-client communication, and you're</p> <p>15 asking what happened during that</p> <p>16 attorney-client communication. And you're</p> <p>17 asking specifically what document the attorney</p> <p>18 and client discussed, and what they decided</p> <p>19 was relevant. And it's an invasion of the</p> <p>20 attorney-client relationship.</p> <p>21 I don't believe that at any</p> <p>22 deposition in these actions that it's ever</p> <p>23 been testified to as to what documents were</p> <p>24 shown to a witness during the course of</p> <p>25 deposition preparation.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 11</p> <p>1 J. ANGELO</p> <p>2 MR. PEARSON: I mean, that's</p> <p>3 precisely not what I'm asking. What I'm</p> <p>4 asking is what documents has he seen in the</p> <p>5 last, you know, few days, you know, when he</p> <p>6 was meeting with you.</p> <p>7 I can ask him what documents he's</p> <p>8 seen in connection with this in general, if</p> <p>9 that makes you feel better. But to ask the</p> <p>10 witness what documents he's familiar with is</p> <p>11 not at all privileged. I'm surprised it</p> <p>12 hasn't come up in any of the other depositions</p> <p>13 in this case, frankly, because we ask that all</p> <p>14 the time.</p> <p>15 MR. LERNER: You can ask him what</p> <p>16 documents he's familiar with that relate to</p> <p>17 the subject matter of the deposition. I don't</p> <p>18 have a problem with that.</p> <p>19 MR. PEARSON: Okay.</p> <p>20 Q. So, Mr. Angelo, taking the concerns</p> <p>21 of your counsel into consideration, are there</p> <p>22 documents regarding the subject of Kim</p> <p>23 Livingston's mystery shopping -- and we'll go over</p> <p>24 what that is, you know, in a bit -- or termination</p> <p>25 that you reviewed in the, say, month prior to</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 12</p> <p>1 J. ANGELO</p> <p>2 today's deposition?</p> <p>3 MR. LERNER: Why don't you extend</p> <p>4 it to the two months prior to today's</p> <p>5 deposition?</p> <p>6 MR. PEARSON: That's true, the two</p> <p>7 months, because that would capture the date of</p> <p>8 Ms. Livingston's termination itself, which</p> <p>9 was, I'm representing, February 26th of this</p> <p>10 year.</p> <p>11 THE WITNESS: That was a very long</p> <p>12 question. Can you just tell me what the</p> <p>13 beginning of it was?</p> <p>14 MR. PEARSON: I certainly can.</p> <p>15 You know, for the record,</p> <p>16 Mr. Lippner, please contain your laughing to</p> <p>17 a -- keep your laughing to a minimum and at</p> <p>18 low volume.</p> <p>19 Q. All right. So, Mr. Angelo, can you</p> <p>20 tell me, in the last two months, whether you've</p> <p>21 reviewed any documents on the subject either of</p> <p>22 Kim Livingston's mystery shopping or her</p> <p>23 termination?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Can you tell me what those</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 13</p> <p>1 J. ANGELO</p> <p>2 documents were?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And what were they?</p> <p>5 A. The entire -- everything I've</p> <p>6 reviewed involving the matter? I saw, obviously,</p> <p>7 the termination letter that I gave her. I saw</p> <p>8 logs of when she did mystery shopping. I saw a</p> <p>9 comparison of when she did mystery shopping when</p> <p>10 she was -- collated to when she was supposed to be</p> <p>11 working for The New York Post. I saw a transcript</p> <p>12 of her deposition.</p> <p>13 Q. Anything else?</p> <p>14 A. I saw e-mails that I had with</p> <p>15 counsel about the matter that I turned over to</p> <p>16 counsel as part of a discovery function. I</p> <p>17 believe that's it.</p> <p>18 Excuse me. I saw a map of where</p> <p>19 the mystery shopping occurred on occasions in</p> <p>20 relation to the Queens Courthouse when she should</p> <p>21 have been working for The New York Post.</p> <p>22 Q. And did you review any documents</p> <p>23 with respect to Ms. Livingston's performance</p> <p>24 during the past two months?</p> <p>25 A. No, not that I recall.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: right;">Page 22</p> <p>1 J. ANGELO</p> <p>2 decision to terminate Ms. Livingston's employment?</p> <p>3 A. Yes.</p> <p>4 Q. Did you meet with Ms. Livingston</p> <p>5 about her termination at any time?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And when was that?</p> <p>8 A. On the day she was terminated.</p> <p>9 Q. Okay. We'll talk about the</p> <p>10 termination meeting in a little while. But prior</p> <p>11 to that termination meeting, and since you became</p> <p>12 publisher at The Post, did you have any</p> <p>13 discussions or correspondence with Ms. Livingston?</p> <p>14 A. No, not that I recall.</p> <p>15 Q. Since the time you became publisher</p> <p>16 at The Post, up until Ms. Livingston's</p> <p>17 termination, did you have any discussions with</p> <p>18 anybody else at The Post about Ms. Livingston's</p> <p>19 job performance?</p> <p>20 A. No, not that I recall.</p> <p>21 Q. Do you know what mystery shopping</p> <p>22 is?</p> <p>23 A. I have a vague understanding of it.</p> <p>24 Q. Okay. What's your understanding of</p> <p>25 what mystery shopping is?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 23</p> <p>1 J. ANGELO</p> <p>2 A. My understanding is that is when</p> <p>3 somebody is paid to go into a store or interact</p> <p>4 with a business, I guess, telephonically or via</p> <p>5 the Internet, and test out what the customer</p> <p>6 service is like, what kind of reactions they get,</p> <p>7 how the people perform in their duties at the</p> <p>8 shop.</p> <p>9 Q. Have you ever done any mystery</p> <p>10 shopping yourself?</p> <p>11 A. My wife might think I have with</p> <p>12 some of the gifts I give her, but, no, I have not</p> <p>13 done any mystery shopping.</p> <p>14 Q. Okay. And are you aware of anyone</p> <p>15 else among your acquaintances, or anyone among</p> <p>16 your acquaintances who have done mystery shopping?</p> <p>17 A. No.</p> <p>18 Q. Okay. Are you aware of whether or</p> <p>19 not Ms. Livingston has ever mystery shopped?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And are you aware of whether</p> <p>22 or not she's ever mystery shopped for TD or</p> <p>23 Commerce Bank?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And are you aware that she</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: right;">Page 24</p> <p>1 J. ANGELO</p> <p>2 has, in fact, done that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And are you aware of whether</p> <p>5 or not Ms. Livingston has ever mystery shopped for</p> <p>6 a company called Shop 'n Chek?</p> <p>7 A. Yes.</p> <p>8 Q. And has she done that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you know what the mystery</p> <p>11 shopping that Ms. Livingston did for TD or</p> <p>12 Commerce Bank entailed; how it worked?</p> <p>13 MR. LERNER: Objection. Form.</p> <p>14 A. I know that while she was being</p> <p>15 employed by The New York Post and turning in time</p> <p>16 sheets that she was working for The New York Post</p> <p>17 she was, in fact, doing paid work on hundreds and</p> <p>18 hundreds of occasions for these mystery shopping</p> <p>19 outfits. I don't know what they're -- companies I</p> <p>20 guess they're called.</p> <p>21 Q. Are you aware of whether or not</p> <p>22 Ms. Livingston received payments in connection</p> <p>23 with her mystery shopping on a W-2 or 1099 basis?</p> <p>24 A. Can you repeat the question,</p> <p>25 please?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: right;">Page 25</p> <p>1 J. ANGELO</p> <p>2 MR. PEARSON: Sure. Could the</p> <p>3 question be read back?</p> <p>4 (The requested portion of the</p> <p>5 record was read.)</p> <p>6 A. No, I'm not aware of that.</p> <p>7 Q. Okay. And are you able to describe</p> <p>8 for me what Ms. Livingston actually did when she</p> <p>9 would perform or conduct mystery shops for TD or</p> <p>10 Commerce Bank?</p> <p>11 MR. LERNER: Objection.</p> <p>12 MR. PEARSON: You may answer.</p> <p>13 THE WITNESS: Can you read the</p> <p>14 question back, please?</p> <p>15 (The requested portion of the</p> <p>16 record was read.)</p> <p>17 A. No, I never witnessed it, but I</p> <p>18 know she wasn't working for The New York Post as</p> <p>19 she was supposed to be doing.</p> <p>20 (Recess taken.)</p> <p>21 Q. Are you aware of what was entailed</p> <p>22 in Ms. Livingston's mystery shopping for Shop 'n</p> <p>23 Chek?</p> <p>24 A. The very fact that she was doing</p> <p>25 mystery shopping, a paid job for somebody else</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

Page 26

1 J. ANGELO
2 when she was supposed to be working for The New
3 York Post, is a huge problem.

4 MR. PEARSON: All right. I'd like
5 that marked as nonresponsive.

6 **Q. Mr. Angelo, are you aware of what**
7 **was entailed in Ms. Livingston's mystery shopping**
8 **for Shop 'n Chek?**

9 MR. LERNER: Objection.

10 MR. PEARSON: You may answer.

11 MR. LERNER: On each occasion, on a
12 particular occasion? I mean, she went into
13 different stores?

14 MR. PEARSON: Does he have any
15 knowledge of what was entailed in mystery
16 shopping for Shop 'n Chek by Ms. Livingston.

17 MR. LERNER: You can answer however
18 you want. You can answer as generally or as
19 specifically as you can, because it's an open
20 question.

21 A. What precisely she did when she was
22 being paid by somebody else while she was
23 dishonestly saying that she was working for me on
24 hundreds and hundreds of occasions is the point.

25 What precisely she did when she
TSG Reporting - Worldwide 877-702-9580

Page 27

1 J. ANGELO
2 walked into a store, being paid by somebody to do
3 it when she was being paid by me, I don't know
4 precisely what she did there, but I don't find it
5 relevant. Any paid employment that she was doing
6 somewhere else is a problem.

7 **Q. All right. So, Mr. Angelo, you're**
8 **not aware specifically what she did for Stop 'n**
9 **Chek then? Is that your testimony then?**

10 MR. LERNER: Objection.

11 A. Correct.

12 **Q. How did you become aware of**
13 **Ms. Livingston's mystery shopping?**

14 A. From reading the transcript of her
15 deposition.

16 **Q. Okay. Which transcript or**
17 **transcripts were those?**

18 A. I don't know if there's multiple --
19 I read the transcript of the deposition she gave
20 about mystery shopping.

21 **Q. Okay. So, the transcript you read,**
22 **was that for a deposition taken this year of**
23 **Ms. Livingston?**

24 A. I believe so, yes.

25 **Q. Okay. Did you ever view any**
TSG Reporting - Worldwide 877-702-9580

Page 28

1 J. ANGELO
2 **portion of a deposition taken of Ms. Livingston**
3 **from early in 2012?**

4 A. Not that I recall.

5 **Q. Are you aware that Ms. Livingston**
6 **was deposed in early 2012?**

7 A. No. I mean, not really.

8 **Q. Were you aware that Ms. Livingston**
9 **had given any deposition in connection with this**
10 **case prior to the one that she gave this year**
11 **concerning her mystery shopping?**

12 MR. LERNER: Was he aware when?

13 **Q. Were you aware, prior to**
14 **Ms. Livingston's termination, at any time that she**
15 **had previously been deposed in connection with**
16 **this matter?**

17 A. I don't recall any specific
18 awareness of her having given a deposition
19 previous to that.

20 **Q. Okay. So, you didn't know that she**
21 **had been deposed, other than her deposition**
22 **regarding mystery shopping?**

23 A. Again, not that I recall. I mean,
24 is it possible that I knew that and forgot? I
25 don't know. I have no recollection of her having

TSG Reporting - Worldwide 877-702-9580

Page 29

1 J. ANGELO
2 given depositions before or having looked at them.
3 I don't know.

4 **Q. To your knowledge, is anyone else**
5 **at The New York Post aware that Ms. Livingston**
6 **mystery shopped during her employment at the**
7 **paper?**

8 A. I don't know.

9 **Q. Is Amy Scialdone aware of it?**

10 A. Yes.

11 **Q. Okay. Anyone else?**

12 A. I don't know.

13 **Q. Have you discussed Ms. Livingston's**
14 **mystery shopping with anyone else at The New York**
15 **Post?**

16 A. No.

17 **Q. Apart from Ms. Scialdone or did you**
18 **discuss it with Ms. Scialdone?**

19 A. Can you define "discuss"?

20 **Q. What does the word "discuss" mean**
21 **to you, Mr. Angelo?**

22 A. I informed Ms. Scialdone that this
23 behavior had occurred and, therefore, I was
24 terminating Ms. Livingston. I did not discuss
25 with her the matter.

TSG Reporting - Worldwide 877-702-9580

Page 102

1 J. ANGELO
2 getting a nonresponsive answer you went back,
3 asked the question differently, rephrased it,
4 and you were satisfied that the answer you got
5 was responsive.

6 I think you should take the
7 opportunity now to -- if there's any question
8 in the record that you think the answer was
9 non-responsive to, to re-ask it.

10 MR. PEARSON: All right. Sure.
11 I'll state for the record that we'll take a
12 brief break, I'll circle back, see if there's
13 anything that I really feel I could not get a
14 response on -- I mean, again, I reserve all my
15 rights, but sure, I'll go back and take a look
16 and see if there's anything that I think we
17 need to go over.

18 MR. LERNER: Okay.
19 (Recess taken.)

20 Q. So, Mr. Angelo, approximately how
21 long are employees -- how long is it your
22 expectation that reporters will take for lunch or
23 their mid-shift meal?

24 A. Half an hour.

25 Q. Is there a policy saying that
TSG Reporting - Worldwide 877-702-9580

Page 103

1 J. ANGELO
2 reporters should only take a half an hour for
3 lunch?

4 A. I don't know.

5 Q. And is lunch for reporters unpaid
6 time?

7 A. I don't know. I don't know.

8 Q. Are reporters required to eat on
9 their lunch or can they conduct whatever personal
10 tasks they wish to conduct?

11 A. In my experience most people ate
12 lunch at their desks.

13 Q. But if a reporter takes lunch or a
14 midday break period away from their desk or office
15 or whatever their workspace is, could they eat
16 lunch or perform other personal errands they wish
17 to conduct?

18 A. I would expect them to be in touch
19 with their supervisor about it.

20 Q. About what?

21 A. If they were going to be
22 unavailable to work for a period of time, I would
23 expect them to let their supervisor know.

24 Q. But if they're simply taking their
25 usual midday lunch or midday break, would you
TSG Reporting - Worldwide 877-702-9580

Page 104

1 J. ANGELO
2 expect them to inform their supervisor of what
3 they were doing during that period?

4 A. If they were going to be
5 unavailable to work, yes.

6 Q. But is it your expectation that
7 when reporters take their lunch they're often
8 unavailable for work temporarily?

9 A. Not necessarily. If they were
10 going to do paid employment for someone else I
11 would certainly expect them to tell their
12 supervisor about it.

13 Q. But is it your expectation when a
14 reporter takes their lunch or midday break that
15 they inform their supervisor about it?

16 A. When I was a reporter I remember
17 many a half-eaten sandwich on my desk.

18 Q. That's not my desk.

19 A. They're still not available to
20 work --

21 Q. Sir, let me finish my question.
22 Is it your expectation that
23 reporters inform their manager or supervisor when
24 they're taking their lunch or midday break?

25 A. Yes.

TSG Reporting - Worldwide 877-702-9580

Page 105

1 J. ANGELO
2 Q. So, do any of your subordinates
3 inform you when they're taking lunch?

4 A. Yes.

5 Q. Do they do that on a daily basis?

6 MR. LERNER: Objection.

7 A. Again, there's a difference
8 between -- subordinates in my case might be a vice
9 president of marketing, as opposed to a reporter
10 that is covering a beat or time-sensitive
11 information, which is incredibly important.

12 Q. And are you aware of whether or not
13 reporters inform their editors whenever they're
14 taking lunch?

15 A. I don't know.

16 Q. Is there any policy with respect to
17 that?

18 A. I don't know.

19 Q. And are you aware of whether or not
20 Ms. Livingston was able to answer her phone or
21 text or otherwise stay in touch with the office or
22 her supervisors while she was mystery shopping?

23 A. My understanding is that her
24 mystery shopping was done over the phone; was it
25 not? It's impossible to be doing work for The New

TSG Reporting - Worldwide 877-702-9580

Page 106

1 J. ANGELO
 2 York Post when you're working for someone else.
 3 Q. Are you aware of how much time she
 4 spent doing that?
 5 A. I know it was some percentage of
 6 the occasions.
 7 Q. Were you able to discern from the
 8 documents which were phone mystery shops and which
 9 were other mystery shops?
 10 A. I believe the document does
 11 indicate that.
 12 Q. And does it indicate how long the
 13 phone calls lasted?
 14 A. I don't believe the document that
 15 you presented to me does.
 16 Q. Do you recall seeing any document
 17 that does indicate how long the phone calls
 18 lasted?
 19 A. Not that I recall.
 20 MR. PEARSON: No further questions.
 21 MR. LERNER: Quick point of
 22 clarification.
 23 EXAMINATION BY
 24 MR. LERNER:
 25 Q. Mr. Angelo, on Exhibit 32 there's
 TSG Reporting - Worldwide 877-702-9580

Page 108

1 J. ANGELO
 2 to the Exhibit 32 first page e-mail?
 3 A. I believe we just discussed that,
 4 yes.
 5 Q. Okay.
 6 A. I saw it and approved it.
 7 Q. By yourself?
 8 A. Yes, with counsel.
 9 MR. PEARSON: No further questions.
 10 (Time Ended: 12:57 p.m.)
 11
 12
 13 JESSE ANGELO
 14
 15 Subscribed and sworn to
 16 before me this day
 17 of , 2013.
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 19
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TSG Reporting - Worldwide 877-702-9580

Page 107

1 J. ANGELO
 2 an e-mail on the first page, NYPFL 4874, and you
 3 were asked earlier in the deposition did you write
 4 this e-mail. Let us know if there's any
 5 clarification you had with respect to that
 6 testimony.
 7 A. Yes. I was imprecise in my answer
 8 before. I sent that e-mail. The body of the
 9 e-mail was drafted, and I approved and edited it.
 10 But I want to make sure that was clear.
 11 Q. And was that done in consultation
 12 with counsel?
 13 A. Yes, it was.
 14 Q. Did anybody besides an attorney
 15 have a role, along with you, in drafting that
 16 e-mail?
 17 A. No.
 18 Q. During the drafting process did you
 19 discuss the drafting of this e-mail with anybody
 20 other than counsel?
 21 A. No.
 22 MR. LERNER: No further questions.
 23 EXAMINATION BY
 24 MR. PEARSON:
 25 Q. At any time did you make any edits
 TSG Reporting - Worldwide 877-702-9580

Page 109

1
 2 INDEX:
 3 WITNESS EXAM BY: PAGE:
 4 J. Angelo Mr. Pearson 5
 5 Mr. Lerner 106
 6 Mr. Pearson 107
 7
 8 EXHIBITS
 9 Exhibit No. Page:
 10 Angelo Exhibit 31 Record of Mystery Shopping 37
 (NYPFL 3980 - 3998)
 11
 12 Angelo Exhibit 32 E-mail 92
 (NYPFL 4874 - 4875)
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

TSG Reporting - Worldwide 877-702-9580